



Animal Welfare Institute

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TESTIMONY BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

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Mr. Chairman and distinguished Members of the Subcommittee, thank you for allowing me to testify on behalf of the Animal Welfare Institute as you consider Fiscal Year 2012 funding priorities under the Commerce, Justice, Science and Related Agencies Appropriations Bill. My name is Nancy Blaney and I am a senior policy advisor at the Animal Welfare Institute. I will be addressing activities under the Office of Justice Programs (OJP) of the Department of Justice (DoJ).

We wish to commend the DoJ's OJP for awarding, through its Bureau of Justice Assistance, a grant to the Association of Prosecuting Attorneys for its new program of training, technical support, and other assistance for prosecutors, members of the law enforcement community, and other involved parties to enhance the prosecution of animal abuse and animal fighting crimes. This is a very exciting development and we are proud to support APA in this new effort and to have been active participants in the two training conferences it has run so far. We respectfully urge the subcommittee to continue funding the BJA's National Animal Cruelty and Fighting Initiative and to encourage the Department's ongoing interest in addressing animal-related crimes.

The connection between animal abuse and other forms of violence has been firmly established through experience and through scientific studies. Among the most well-documented relationships is that between animal cruelty and domestic violence, child abuse, and elder abuse. For example, up to 71 percent of victims entering domestic violence shelters have reported that their abusers threatened, injured, or killed the family pet; batterers do this to control, intimidate, and retaliate against their victims. Batterers threaten, harm, or kill their children's pets in order to coerce them into allowing sexual abuse or to force them into silence about abuse.ⁱ Criminals and troubled youth have high rates of animal cruelty during their childhoods, perpetrators were often victims of child abuse themselvesⁱⁱ, and animal abusers move on to other crimes. In 1997, the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) released the results of a review of animal cruelty cases it had prosecuted between 1975 and 1996. Seventy percent of the individuals involved in those cases had been involved in other crimes, and animal abusers were five times more likely to commit a violent offense against other people.

Another connection that is all too common is the one among animal fighting (which includes both dog fighting and cockfighting), gangs, and drugs, illegal guns, and other offenses.

The Animal Legal and Historical Center at the Michigan State University College of Law describes dog fighting in these stark terms: “The notion that dogfighting is simply an animal welfare issue is clearly erroneous. Until the past decade, few law enforcement officials or government agencies understood the scope or gravity of dogfighting. As these departments have become more educated about the epidemic of dogfighting and its nexus with gang activity, drug distribution rings, and gambling networks, many have implemented well designed, sophisticated task forces. The magnitude of criminal activity concurrently taking place at the average dogfight is of such a scope as to warrant the involvement of a wide range of agencies, including local, regional, and federal law enforcement agencies and their specialized divisions such as organized crime units, SWAT teams, and vice squads, as well as animal control agencies and child protective services.”

It is also worth noting that, as part of its Initiative, BJA will be publishing a monograph on animal fighting that will address prosecutors’ interest in animal fighting, and will report the results of two End Dogfighting programs run by the Humane Society of the U.S. Based on the premise that the early identification of and intervention in animal fighting can help prosecutors and law enforcement reduce crime and interrupt the cycle of violence, the End Dogfighting program seeks to identify and reduce animal fighting and gang influences in at-risk communities by fostering more positive relationships between at-risk youth, many of whom are already gang members, and their dogs.

Animal fighting, whether involving dogs, roosters, or other animals, is barbaric and is a violent crime in the truest sense of the term. It causes immense suffering to countless numbers of innocent animals and its presence threatens the safety of the entire community. It is illegal under both state and federal law, so it well serves the entire community for law enforcement to have the most powerful tools possible to eradicate it.

At the same time, it must be remembered that animal abuse is more than a “gateway” behavior. It is also a crime in its own right. It is a crime everywhere in the U.S., and certain egregious acts are felonies in 46 states and the District of Columbia. But not all laws are created equal; a felony in one state may still be a misdemeanor in another. In some states, cruelty rises to a felony only upon a second or third offense, or only if the animal dies; if he survives, no matter how severe his injuries, it is still a misdemeanor.

The key to offering animals the most protection possible, however weak or strong the statute, lies in vigorous enforcement of the law and prosecution of violators. While there are many in law enforcement and the courts who recognize animal abuse for the violent crime that it is and act accordingly, there are those who do not take it seriously, treating it as no more urgent than a parking infraction. Others genuinely want to act decisively but may lack the necessary resources, support, or expertise. Moreover, enforcement can be complicated by the laws themselves—weak laws are bad enough, but additional problems may arise from confusion over jurisdiction or limitations in coverage—or by pressure to dispose of cases quickly.

This is where BJA's National Animal Cruelty and Animal Fighting Initiative comes in offering recognition that animal cruelty and animal fighting crimes not only victimize some of the most innocent and vulnerable members of society, but also create a culture of violence—and a cadre of violent offenders—that affects children, families in general, and society at large. Therefore, preventing and prosecuting these crimes will benefit not only the animals, but the entire community by reducing the overall level of violence.

In order to support and enhance the effectiveness of prosecutors in their efforts to achieve this goal, the Association of Prosecuting Attorneys, with BJA's support, is implementing a program to provide the following: training conferences and webinars; publications; technical assistance; and online resources, including a library of briefs, motions, search warrants, legal memos, and state-by-state case law. It has assembled an advisory council composed of prosecutors, investigators, law enforcement, veterinarians, psychologists, members of the animal protection and domestic violence communities, and others, to identify issues, resource needs, and strategies. It brings these same professionals together to provide its multidisciplinary training, and also calls on them individually for topic-specific web-based training and materials.

All of this is directed towards two audiences: those who still need to be convinced of the importance of preventing and punishing animal-related crimes, for the sake both of the animals and of the larger community; and those who are dedicated to bringing strong and effective cases against animal abusers but may need assistance to do so.

OJP/BJA showed great vision in recognizing that by identifying precursor crimes, such as animal cruelty and animal fighting, and ensuring adequate adjudication of such cases, our criminal justice system can reduce the incidence of family and community violence and change the path of potential future violent offenders. The National Animal Cruelty and Animal fighting Initiative sends a very strong message to prosecutors and law enforcement that crimes involving animals are to be taken seriously and pursued vigorously, and offenders must be held accountable.

ⁱ The study "I'll only help you if you have two legs," or Why human services professional should pay attention to cases involving cruelty to animals, by Loar (1999), as cited on the website of the National Coalition Against Domestic Violence (www.ncadv.org)

ⁱⁱ "Woman's Best Friend: Pet Abuse and the Role of Companion Animals in the Lives of Battered Women," by Flynn (2000), as cited at www.ncadv.org